Member States must ensure full respect of fundamental rights and compliance with the Charter of Fundamental Rights of the European Union, in particular in the management of external borders. The Commission has repeatedly emphasised that any pushback practices are illegal. National authorities have the responsibility to investigate any allegations.

The Greek authorities informed the Commission of measures to ensure compliance with fundamental rights, through the investigation or, where necessary prosecution, of misconduct by competent state authorities, including on alleged pushbacks. The Commission is aware of the conclusions of the first investigation implemented by the National Transparency Authority (NTA). The Commission, holds regular meetings with the national authorities, to provide feedback and strengthen the effectiveness of the monitoring arrangements, and expects that investigations are carried out with due diligence in order to credibly investigate all allegations, and to take the necessary follow-up actions when wrongdoing is established.

In line with the Common Provisions Regulation, Member States need to put in place effective mechanisms to ensure compliance with the Charter of Fundamental Rights of the European Union (Enabling Condition). The Commission is assessing the mechanisms put in place in Greece, including the independent mechanism to monitor and prevent push-backs, in the context of the Greek programmes under the Home Affairs Funds. Generally, in case the Commission considers that an enabling condition is not fulfilled, the expenditure related to the operations may be included in the payment applications but shall not be reimbursed until the Commission has informed the respective Member State on the fulfilment of the Enabling Condition.

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1 This includes internal control procedures, investigations by independent authorities, including the Greek Ombudsman and the National Transparency Authority, and the possibility of Public Prosecutors to investigate allegations, following relevant complaints or press and NGO reports.
4 Including the National Transparency Authority.